



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE August 19, 2005 EFFECTIVE DATE September 2, 2005	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT D. Cornell and Cathy Mallory	FILE NO. DRC 2004-00225
SUBJECT Hearing to consider a request by D. Cornell and Cathy Mallory for a Minor Use Permit to allow modification of the limitation on the maximum distance requirement of a secondary dwelling from a primary dwelling from 250 feet to approximately 440 feet to allow a 1,200 square foot secondary dwelling. The proposed project is within the Residential Rural land use category and is located at 1020 Patricio Lane, approximately three miles north west of the community of Nipomo, in the South County (Inland) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC 2004-00225 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class Three Categorical Exemption was issued on June 28, 2005 (ED 04-583).			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091,283,068	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards:</i> Not applicable			
LAND USE ORDINANCE STANDARDS: 22.10.090 – Height Measurement, 22.10.140 – Setbacks, 22.30.470 – Residential- Secondary Dwellings <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on September 2, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural/Residences <i>East:</i> Residential Rural/Residences <i>South:</i> Residential Rural/Residences <i>West:</i> Residential Rural/Residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF, Nipomo Community Advisory Council			
TOPOGRAPHY: Mostly level to gently sloping		VEGETATION: Grasses, forbs, ornamental landscaping	
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF		ACCEPTANCE DATE: May 13, 2005	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

DISCUSSION

LAND USE ORDINANCE STANDARDS:

22.10.090 - Height Measurements: Maximum Height for a residence is 35 feet. As proposed and conditioned, the project meets this standard.

22.10.140 - Setbacks: Setbacks for the project site are 25 feet in the front and 30 feet on the sides and rear of the property. As proposed, the project meets this standard.

22.30.470 - Secondary Dwellings: This section of the Land Use Ordinance states that on sites of five acres (net) or greater, the maximum square footage of the secondary dwelling is 1,200 square feet and that the secondary unit be located within 250 feet of the primary residence. This section also allows the Review Authority to approve exceptions to design standards to allow a secondary dwelling to allow residences to be located farther than 250 feet from the primary residence. (see discussion below).

STAFF COMMENTS:

Neighborhood Compatibility: The area is zoned Residential Rural and consists of primarily of five acre parcels. There are several lots in the immediate vicinity with single family residences and secondary units. There is a wide variety of newer, large homes and older, farm house styles within 1/4 mile of the property.

Distance Waiver Request: The project proposes a 440 foot separation between the primary and secondary dwelling. The policy regarding distance waiver requests relate to vegetation removal, site disturbance and drainage and sedimentation issues. The location of the proposed secondary dwelling consists of grassland and will not require the removal of any significant vegetation. In addition, the residence is located adjacent to the existing driveway on a fairly level portion of the site which will not involve additional site disturbance or cause significant drainage issues. In addition, placement of the primary residence further than 250 feet will not cause significant visual issues when viewed from any public road or vantage point.

POLICY ISSUES:

Staff has historically viewed secondary dwellings as a means to provide lower-income housing for family members or as rental units. When considering size waiver requests, staff conducts a site visit to evaluate any obvious environmental concerns with regard to vegetation removal and drainage. The area proposed for the secondary dwelling is on a level portion of the site that does not contain significant vegetation. With regard to drainage, Public Works reviewed the project and did not indicate any significant concerns.

AGENCY REVIEW:

Public Works – No concerns

CDF – See attached fire safety plan

STAFF COMMENTS:

With regard to cumulative impacts on neighboring cities such as Arroyo Grande and Grover Beach, no fee schedule has been adopted by the Board of Supervisors which addresses the issue of development impacts from County projects to incorporated cities as well as city project impacts to county services. Until a fee schedule is adopted, current mutual aid practices are in place to address fire and police services, and road fees are required to provide regional traffic funding.

LEGAL LOT STATUS:

The one lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs
and reviewed by Kami Griffin, Supervising Planner

EXHIBIT A - FINDINGS
DRC 2004-00225 (Mallory)

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class Three) pursuant to CEQA Guidelines Section 15303 because the project involves the construction of limited, small new facilities in an area that does not contain significant fish or wildlife habitats or sensitive vegetation.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Patricio Lane, a local road constructed to a level able to handle any additional traffic associated with the project.

Secondary Dwelling Adjustments

- G. Modification of the distance a secondary dwelling can be located from a primary dwelling from 250 feet to allow a secondary dwelling to be located 440 feet from the primary dwelling is justified because there are specific conditions of the site that make the standard unnecessary. These conditions consist of no significant vegetation or drainage swales will be impacted by the placement of the secondary dwelling further than 250 feet from the primary dwelling. No visual impacts will occur as the parcel is not visible from any public road.

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC 2004-00225 (Mallory)**

Approved Development

1. This approval authorizes
 - a. Modification of the distance a secondary dwelling can be located from a primary dwelling from 250 feet to 440 feet.
 - b. maximum height is 35 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Services

5. **At the time of application for construction permits**, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. **At the time of application for construction permits**, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

7. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Owner Occupancy Requirement

8. **Prior to issuance of a construction permit**, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

APR 13 2005

DATE:

4/15/05

FROM

PN

FROM
10

South Co. Team

(Please direct response to the above)

Mallory

DRC 2004-00225

Project Name and Number

Development Review Section (Phone:

788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION: MUP -> secondary dwelling / waive
standard distance req. Located off Patricia Ln.
in Nipomo. 5 acres. APN: 091-283-068

Return this letter with your comments attached no later than:

4/30/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES
☐ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Public Works has no concerns with proposal.

02 MAY 2005

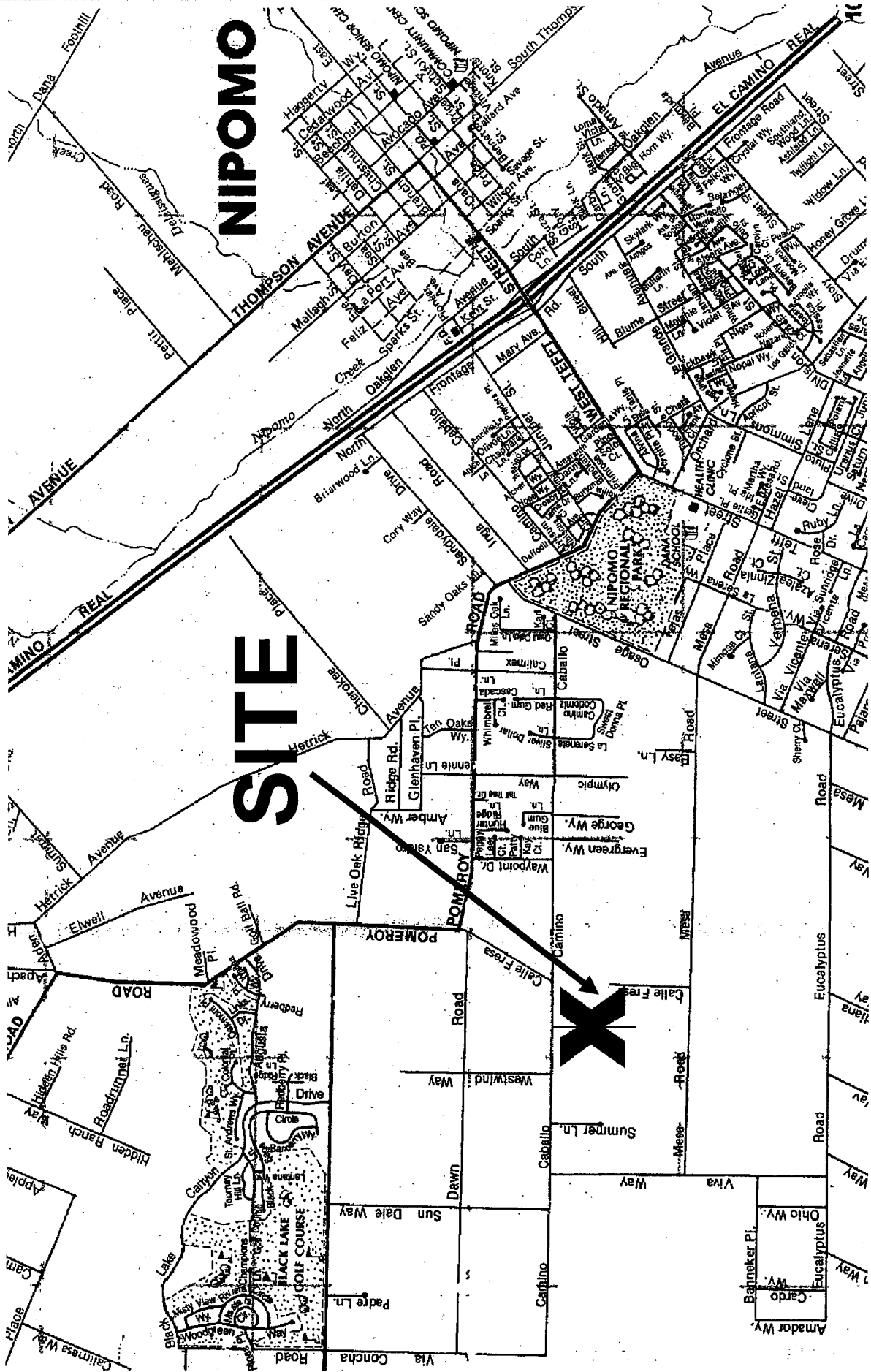
Date

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Name

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Phone

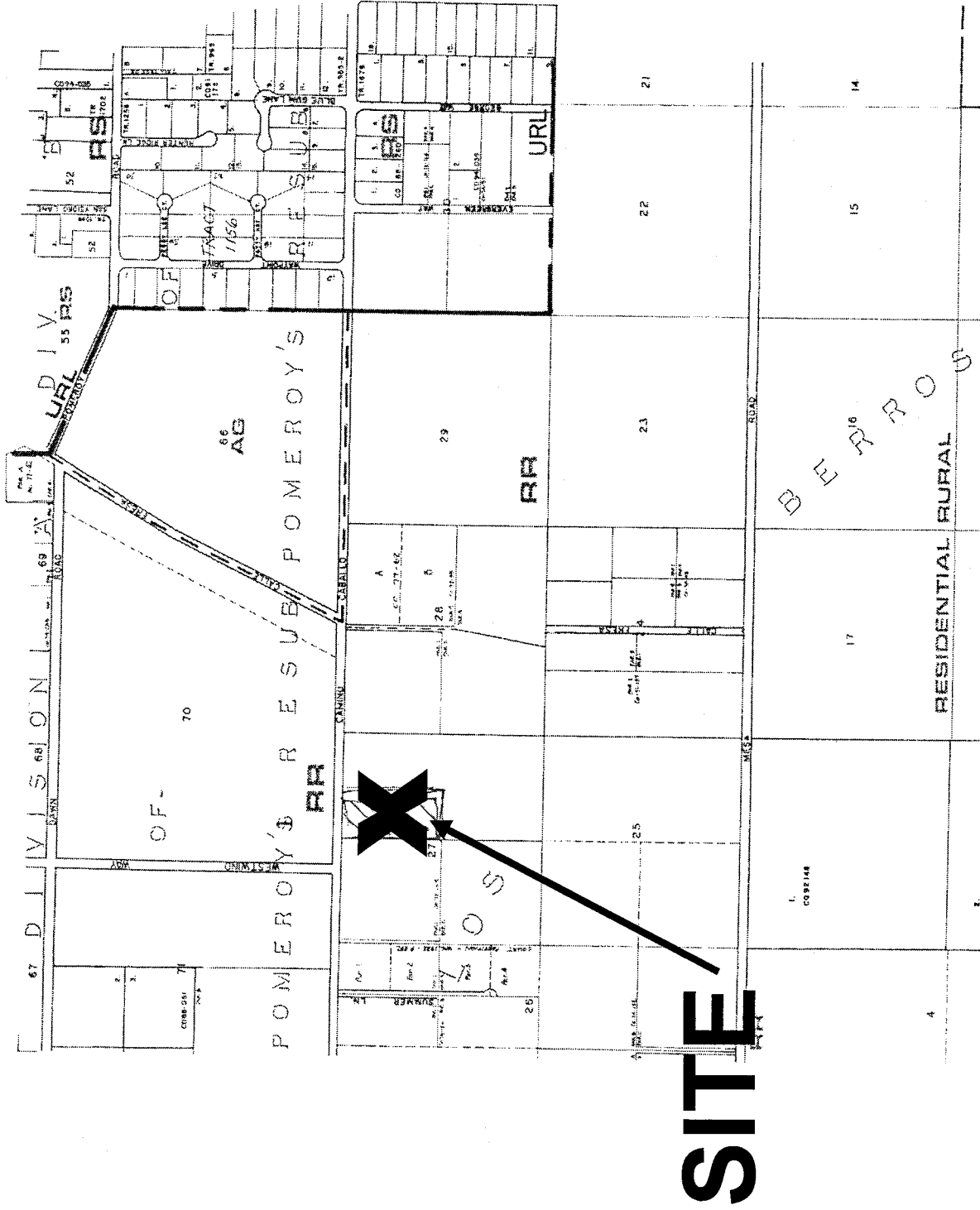


Vicinity Map

PROJECT

Minor Use Permit
Mallory DRC2004-00225

EXHIBIT



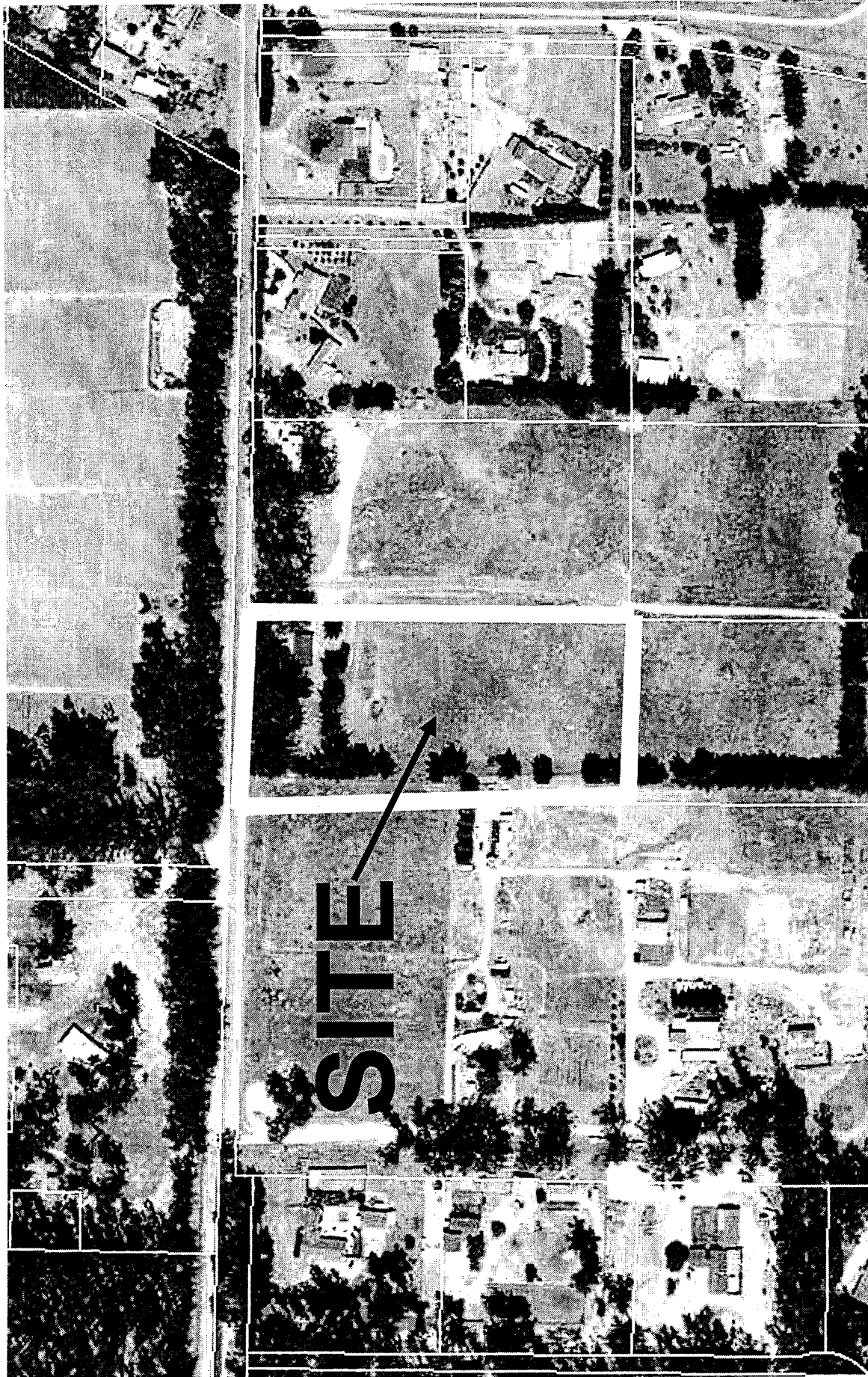
PROJECT

Minor Use Permit
Mallory DRC2004-00225

EXHIBIT

Land Use Category





PROJECT

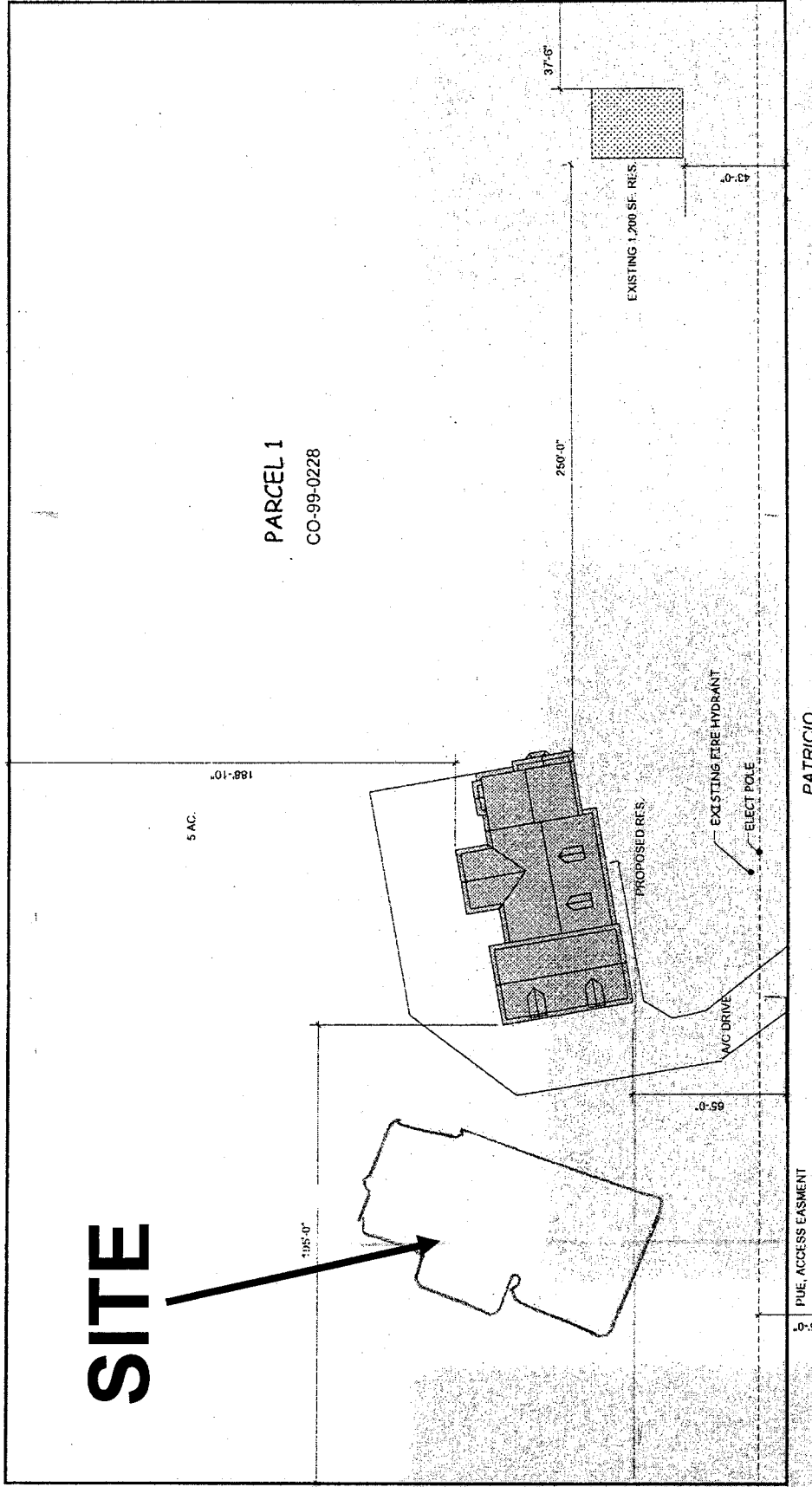
Minor Use Permit
Mallory DRC2004-00225

EXHIBIT

Aerial Photograph



N0° 07' 25" W 631.65



PARCEL 1
CO-99-0228

SITE

CAMINO CABALLO

EXHIBIT
Site Plan



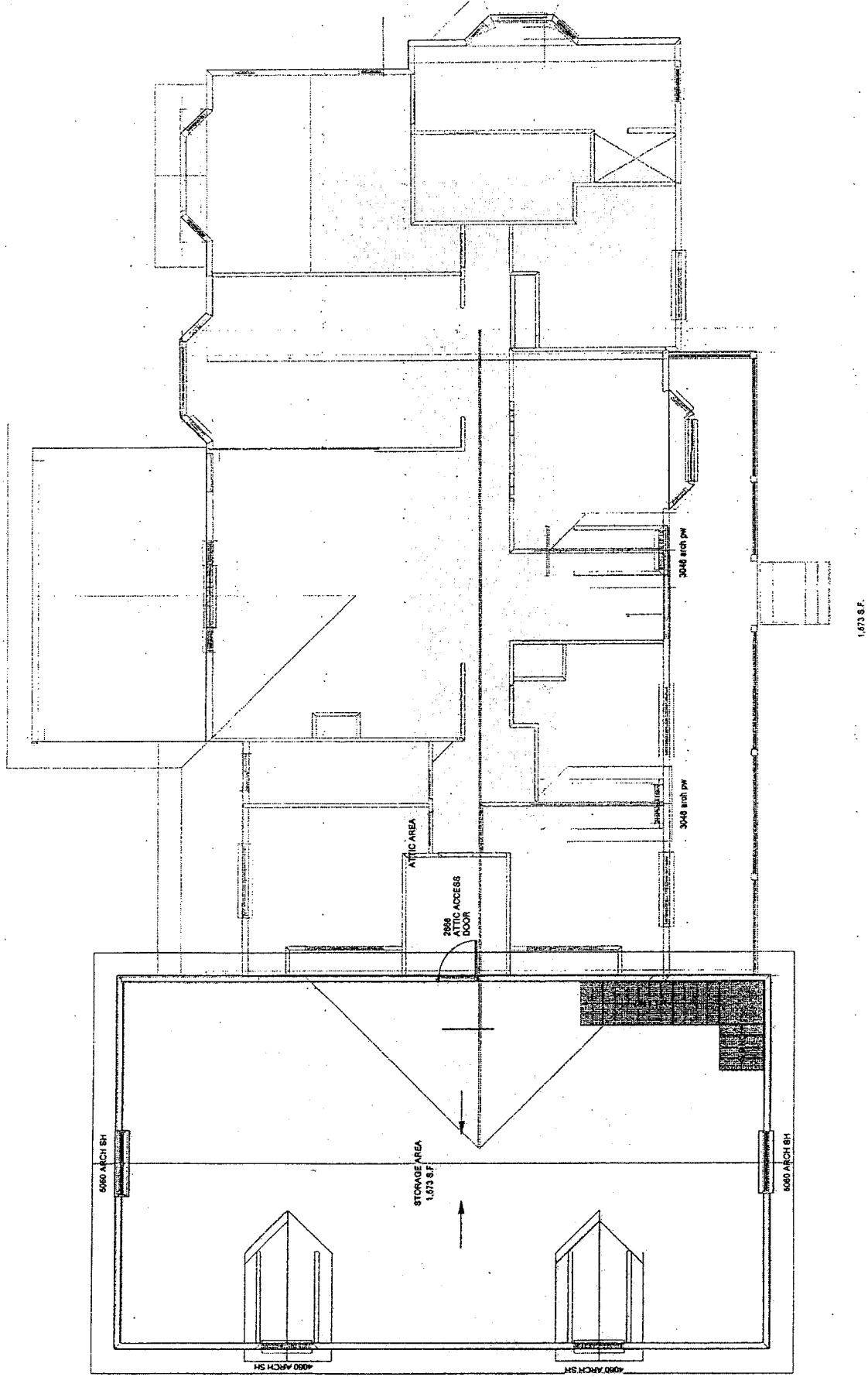
PROJECT
Minor Use Permit
Mallory DRC2004-00225

Architectural floor plan of a two-story house. The plan includes a garage (18x8 sectional), living room (10'x11'), dining room (10'x11'), kitchen (10'x11'), bathroom (5'0" x 7'0"), bedroom (11'7" x 12'0"), and a master bedroom (12'x18'). It also shows a covered concrete patio, a 5068 garden, and various closets and storage areas. Dimensions are provided for all rooms and overall exterior measurements. Notes specify garage construction details like "GYP BOARD ALL WALLS & CEILINGS W/ 5/8" TYPE X 5'."

Minor Use Permit
Mallory DRC2004-00225

First Floor Plan





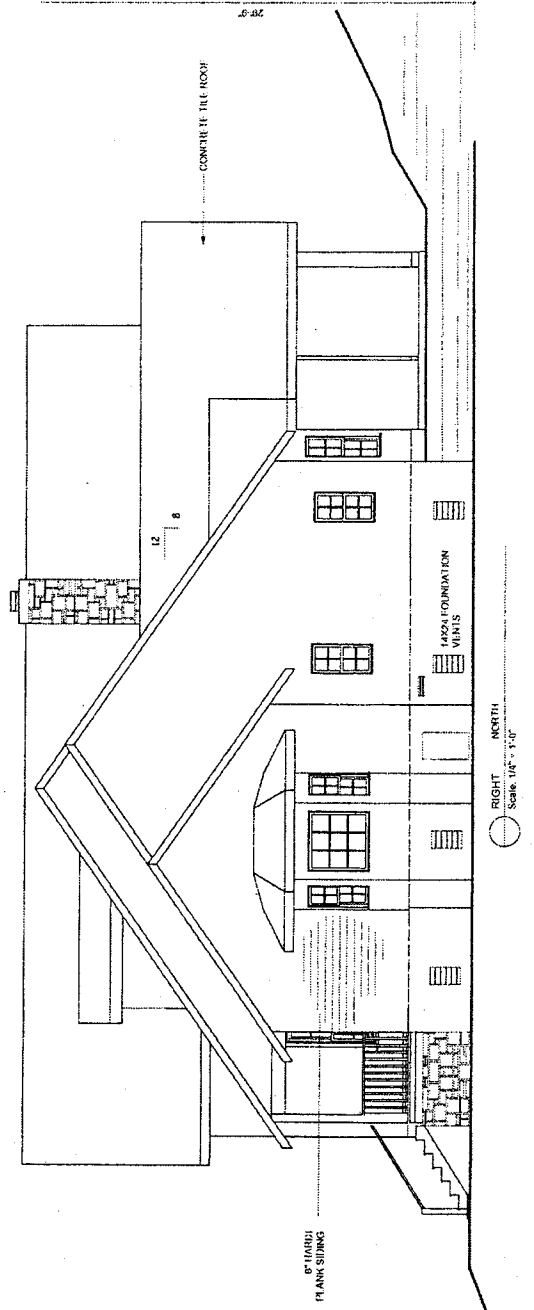
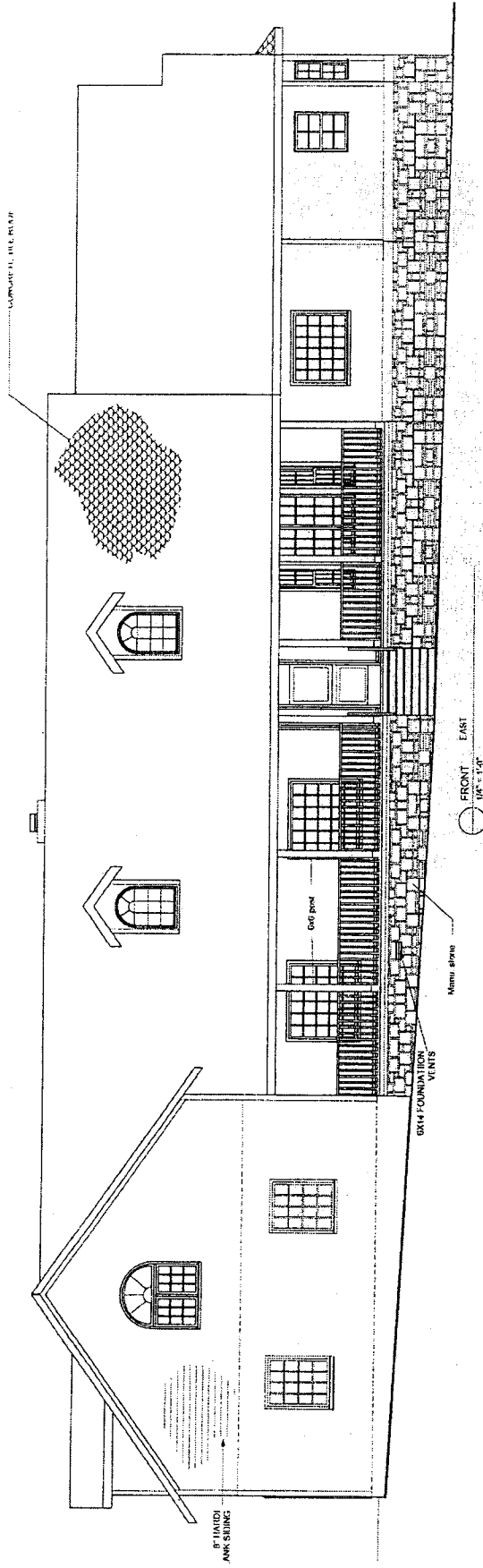
PROJECT

Minor Use Permit
Mallory DRC2004-00225

EXHIBIT

Second Floor Plan





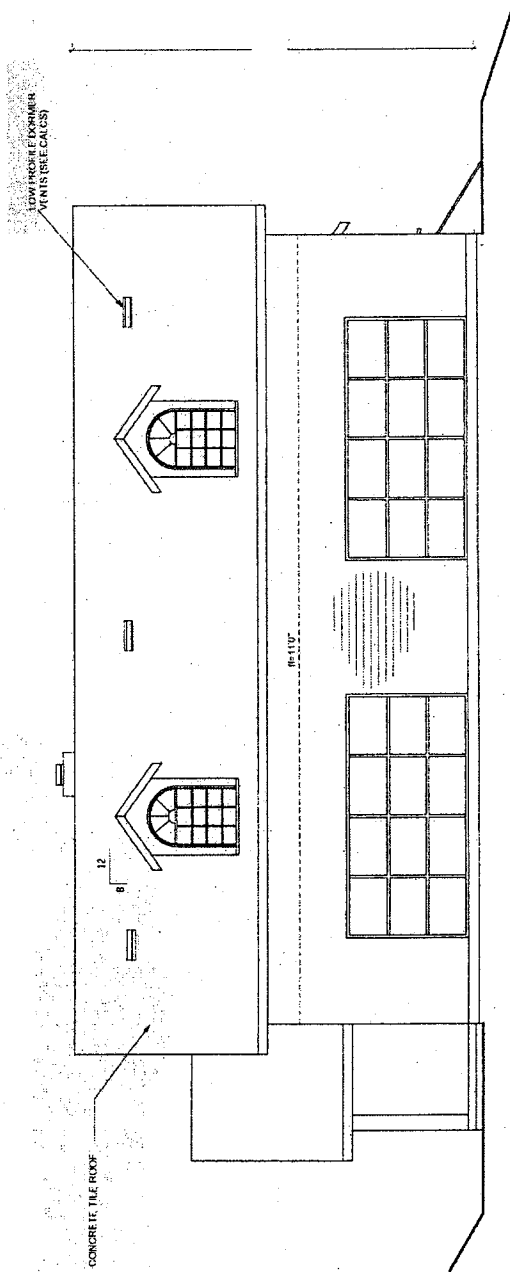
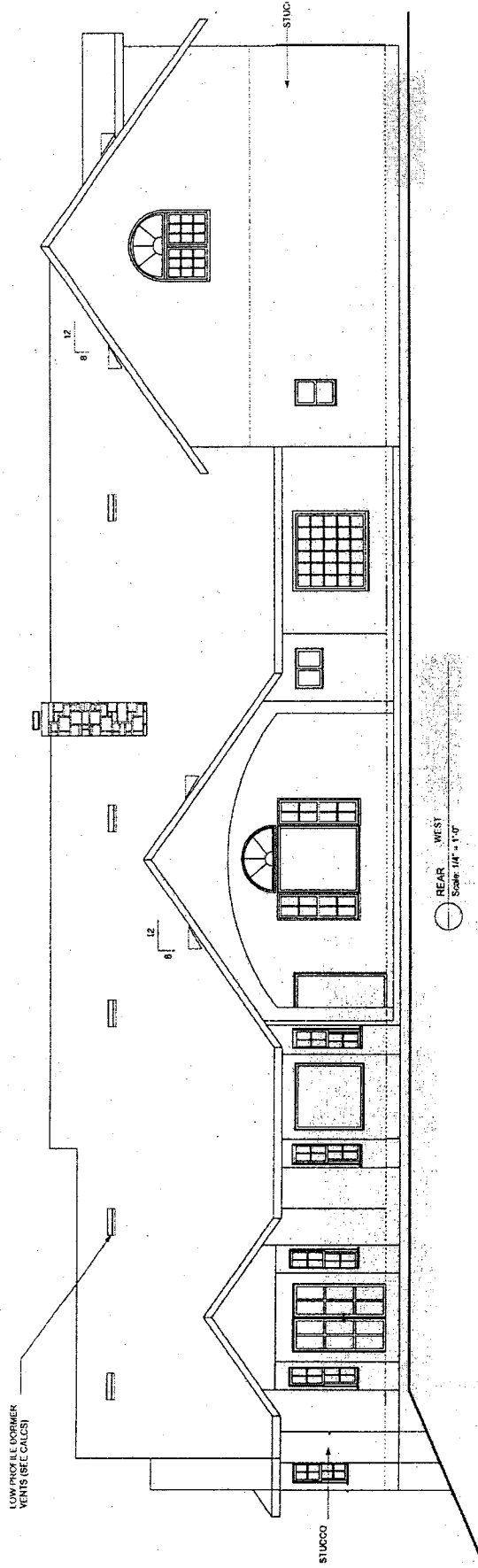
PROJECT

Minor Use Permit
Mallory DRC2004-00225

EXHIBIT

Elevations: East & North





PROJECT

Minor Use Permit
Mallory DRC2004-00225

EXHIBIT

Elevations: West & South

